

**CITY OF SANTA FE SPRINGS FIRE DEPARTMENT
ENVIRONMENTAL PROTECTION DIVISION**

September 15, 2000

In the Matter of:

CENCO Refining Company
12345 Lakeland Road
Santa Fe Springs, CA 90670

EPA ID # CAD008383291

CUPA INSPECTION REPORT

SITE BACKGROUND

CENCO Refining Company ("CENCO") is a new owner of an existing oil refinery formerly owned and operated by Powerine Oil Company ("Powerine"). The refinery is an independent refinery processing sour crude. The refinery has not been in full operation since 1995. In December of 1998, escrow closed on CENCO's purchase of the refinery. The refinery, during full operation in the past, generated several types of waste: RCRA wastes, California Only wastes and Excluded Recyclable wastes.

In 1997, the former Powerine sold a piece of property south of the main refinery (12354 Lakeland Road). This property consisted of offices, a Fuel Distribution Unit, a Chemical Warehouse, a Hazardous Waste Storage Area, a Maintenance Garage and a Laboratory. During the demolition process, Powerine moved all of their chemical products and waste in drums and roll-off bins over to their other properties.

Most of the hazardous wastes stored at the 12354 Lakeland property were relocated to an area on the 12345 Lakeland property referred to as the Wash Pad. The Wash Pad is located in the northwest portion of the property adjacent to Florence Avenue. The Wash Pad is a cement pad with secondary

containment and drainage to a separate containment area. This area is also fenced with signs to keep unauthorized individuals out of the area.

The products from the Chemical Warehouse were transferred to the Coke Barn located on the Bloomfield Property. The area known as the Bloomfield Property is a detached section of the refinery on the east side of Bloomfield. The Coke Barn is a metal structure with a concrete slab floor on the Bloomfield Property. At the time of the inspection, there was only one small pile of coke being stored on the floor of the barn. The rest of the floor space was being used for the storage of reclaimed catalyst, chemical products and other miscellaneous refinery items. This area also has a petroleum storage tank farm and a parking lot to the north of the barn.

In addition, excluded recyclable wastes and empty containers were transferred and stored outside of the Coke Barn. Along with the drums and roll-off bins, Powerine moved several hundred cubic yards of soil from 12354 Lakeland to the area north of the Coke Barn.

During the closure of the 12354 Lakeland Road facility, Powerine identified several areas of contamination on the site. The closure activities of the site were permitted by the Santa Fe Springs Fire Department in its capacity as a Certified Unified Program Agency ("Fire Department" or "CUPA") under the authority of the Uniform Fire Code. During this process, Powerine was to advise the CUPA of all remedial activities, but Powerine failed to indicate that they would be moving contaminated soil from the 12354 Lakeland Road facility to the Bloomfield Property.

On August 21, 1997, the CUPA requested information on the origin and classification of the soil being stored at the Bloomfield property. Powerine responded to the request on September 2, 1997. They stated that any contamination from a refinery is not subject to the requirements in Chapter 6.5 of the California Health and Safety Code for waste determination. Powerine cited a petroleum exclusion under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Powerine did not indicate the exact origin of the soil except that it was from the "east end" of the property.

On October 9, 1997, the CUPA responded to Powerine's waste determination for the soil piles. The CUPA disagreed with Powerine's petroleum exclusion because the soil from the non-refinery areas such as the

Hazardous Waste Storage Area, the Maintenance Garage and the Laboratory Facility would contain more than merely petroleum hydrocarbons. The CUPA advised Powerine that they did not make a proper waste determination per 22CCR66261.11.

SITE INSPECTION

On September 28, 1999, Steve Koester and Richard Kallman of the Fire Department did a routine inspection of the facility's Hazardous Waste Generator Permit. Consent for the inspection was given by CENCO representatives Hal Taback, Director of Environmental Health and Safety and Neil Norcross, Environmental Engineer.

The first portion of the inspection involved a walk-through the main part of the refinery (12345 Lakeland). The inspectors observed a few drums that did not have labels in the refinery area, but the majority of the drums were located in the Wash Pad area. The drums here were packed tightly together in groups and the inspectors could not inspect all of the drums due to the tight storage. The drums that were visible, were rusted and in poor condition. The labels indicated that the drums had been stored for several years. Some of the labels that were legible indicated that the waste was generated in 1995. None of the drums in this area were leaking at the time of the inspection. The Wash Pad will be referred to as Area 1. See Appendix I.

After inspecting the Wash Pad area, the inspectors walked through the rest of the main part of the refinery and did not observe any other areas of concern. The inspectors then crossed Bloomfield and went over to the east storage area and Coke Barn. The Coke Barn contained hundreds of drums stacked two high and in two tightly packed groups. The drums had been moved from the Chemical Warehouse prior to its demolition at 12354 Lakeland. Some of these drums were in poor condition and there was some type of spilled material on the ground. Three drums labeled ECI Additive (a flammable liquid) had gone through some type of reaction that caused the drums to severely bulge. The drums also were in poor condition and it appeared that they had been exposed to the weather for some time. On the west portion inside the Coke Barn, there were some drums and pails of used oils. The containers were not sealed and did not have any waste labels on them. There were no aisles in this storage area and the drums could not be inspected due to the tight packing of the containers. The inside of the Coke

Barn is referred to as Area 7 and the area immediately outside of the Coke Barn is referred to as Area 2.

Outside the north east corner of the barn was another storage area made up of several hundred drums. Most of these drums were empty and stored upside down. There were several drums labeled Excluded Recyclable Material. The dates on the drums indicated that the drums were generated in 1995 and 1996. Also in this area were a few drums that had no labels. Many of these drums were in poor condition. One of the drums integrity had failed and a reddish material had spilled to the ground. The drums in this area are referenced as Area 3.

An area designated as Area 4 consisted of roll-off bins. CENCO had documentation on all of the bins except a few. The lab results showed the material in the bins were not hazardous waste. The bins all had labels on them and were in good condition.

West of the roll-off bins was another group of drums referenced as Area 6. The drums in this area were not labeled and in very poor condition. Several of the drums had rotted through the metal and/or were exposed to the elements.

Just west of Area 6 was a large storage area of more than one thousand drums. The drums in this area were stored in a long pile stored two high and up to ten deep. Most of these drums were empty, but a few of the drums had material in them. Most of the drums did not have any labels on them nor did Neil Norcross have any idea of what was in them. These drums were also in poor condition. The drums in this area are referenced as Area 5.

Near Area 5, the inspectors observed three piles of soil. Two of the piles (Stockpile 1 and Stockpile 2) were located to the North of Area 5 and were 75' by 250' and approximately 3' deep. See Appendix II. These two piles are estimated by CENCO as consisting of 2050 cubic feet of soil each. The other pile (Stockpile 3) was located to the west of Area 5 and was 75' by 125' and approximately 3' deep. This pile is estimated to be around 1000 cubic feet of soil. All of the piles had plastic sheeting under and over them. After completing their inspection of Area 5 the inspectors met with June Christman, CENCO's Environmental Engineering Manager, for a review of CENCO's records. A review of the manifests showed that CENCO was missing the copy of the final signed manifest # 98585169 sent on November

4, 1998. CENCO and Powerine had no records of weekly waste inspections and had no documentation of personnel waste training for the employees handling the waste. The refinery had not updated their Hazardous Materials Business Plan since 1996 and the plan did not reflect the new owner and the refinery being shut down.

The inspectors had a closing conference with Hal Taback, Neil Norcross and June Christman. The inspectors informed Christman, Taback, and Norcross, that because of the hazardous waste storage arrangement and CENCO's lack of waste determination, the CUPA could not completely assess all of the violations on the site. The inspectors stated that they would advise CENCO on how the CUPA would complete the inspection. The inspectors thanked CENCO for their cooperation and told CENCO that they would be in contact as soon as they determined how the inspection would be completed.

POST INSPECTION ACTIVITIES

After the inspection CENCO consented to the CUPA securing the areas involving the drums and the soil pile. Fire Chief Neal Welland and Steve Koester put locks on any gates to the areas and red barricade tape for all pathways to the areas. CENCO personnel could not cross the barriers without being accompanied by the CUPA.

On September 29, 1999, Christman and Taback of CENCO met with Welland, Kallman and Koester. The violations of the site were discussed and a possible course of action to complete the site characterization. The CUPA proposed that the parties enter into an agreement describing the site characterization procedures and reimbursement of costs. CENCO agreed.

On September 30, 1999, the City Manager of the City of Santa Fe Springs (the "City"), Fred Latham, met with J. Nelson Happy, Chief Executive Officer of CENCO, Geoff Soares, President of CENCO, and Don Brown, CENCO Community Liaison. This was a previously scheduled meeting to discuss the permits needed to reopen the refinery. During the meeting, Soares stated that he accepted full responsibility for the situation and was aware of the compliance problems associated with the drums. Soares further stated that they had made an effort to clean material left from Powerine, but had not attended to the drums yet. Also, Soares admitted that the drums had been moved, and that some of the materials were from the 12354 Lakeland address.

That afternoon, Kallman and Koester revisited the site to take pictures of the storage areas and to try to estimate the number of drums involved in the site characterization. A rough count of the storage determined that around 1800 drums were being stored in the seven areas.

On October 22, 1999, the City and CENCO came to an agreement on the terms on proceeding with the inspection. The parties agreed that the City would retain a consultant to perform a site characterization. CENCO would reimburse the City for all costs associated with the project, including time spent by City employees and attorney fees. See Appendix III for a copy of the signed REIMBURSEMENT AND ACCESS AGREEMENT FOR SITE CHARACTERIZATION AT CENCO FACILITY.

Subsequently, a Scope Of Work – Bid Criteria was put together by the Fire Department. See Appendix IV. CENCO approved of the Scope of Work and the document was sent out to potential contractors to assess the drum storage areas. Job walks for the contract were scheduled on October 29, 1999, and on November 16, 1999.

On November 3, 1999, Koester inspected Area 3 and Area 5 to collect documentation on the storage conditions at the refinery. Photographs were taken with a preliminary description of the types of violations and the condition of specific drums. A Preliminary Assessment for Hazardous Waste Violations report was completed on November 23, 1999. Copies of this report were given to CENCO. See Appendix V.

On December 27, 1999, the City and ONYX Environmental Services entered into an agreement for the characterization of the seven areas designated by the CUPA. See Appendix VI.

In late March, ONYX submitted a final report concerning the Site Characterization for the drums. Copies of the report were sent to Colin Lennard's office and to CENCO. On April 5, 2000, the Fire Department received a letter from John Wright, Executive Vice President of CENCO. The letter addressed several concerns CENCO had with the ONYX Final Report. Mr. Wright felt that the collective effect of the deficiencies would undermine the conclusions reached by the ONYX report. See Appendix VII.

The CUPA and ONYX reviewed the areas of concern identified by CENCO and made corrections to errors in the data. On May 25, 2000, ONYX submitted a revised version of the ONYX Final Report to the Fire Department. See Appendix VIII. Copies of the report were given to CENCO. On May 26, 2000, the Fire Department issued a formal response to Wright's letter. See Appendix IX. The response addressed each of the items submitted in his April 5, 2000 letter and were included in the ONYX Final Report or are addressed in this report.

SUMMARY OF VIOLATIONS

The following is a summary of the violations pertaining to hazardous waste management. The category of violation is attached to each area of non-compliance and the containers or conditions associated with the violation are listed.

DRUM VIOLATIONS

- 1) A violation of the California Code of Regulations, Title 22, Section 66262.11 for failure to make a waste determination for the storage of waste containers. Several drums on site had no labels and contained unknown waste material inside them. The waste was being stored in rusted containers and no determination was made to classify the waste for proper management. This is a Class I Violation.

Drums subject to these violations are: 1C-24, 1C-25, 1C-49, 1C-64, 3C-125, 3C-133, 3C-146, 3C-152, 3C-154, 3C-158, 3C-201, 5C-880, 5C-917, 5C-925, 5C-932, 5C-936, 7C-1, 7C-2, 7C-22, 7C-231, 7C-232, 7C-233. The total number of drums subject to this violation is 22.

- 2) A violation of the California Health and Safety Code, Section 25201 and of the California Code of Regulations, Section 66262.34(a) for storage of waste for longer than 90 days without a permit. RCRA waste and California Only waste had been stored on the site greater than 90 days.

A violation of the Health and Safety Code, Section 25143.2(e)(4) for Speculative Accumulation of Excluded Recyclable Materials. The Excluded Recyclable drums were of spent material, intended to be recycled when the refinery resumed operations. However, because

none of the materials in the drums were recycled within a calendar year, the materials became a hazardous waste pursuant to Health and Safety Code Section 25143.2(e)(4) and California Code of Regulations Title 22, Section 66260.10 (definition of "accumulated speculatively").

A violation of the California Code of Regulations, Title 22, Section 66261.7 for failure to manage contaminated empty containers within one year. Empty containers that once held hazardous materials, shall be properly managed. The drums must be labeled "Empty" with the date the drum was emptied and reused, reclaimed or disposed within one year.

These violations are collectively a Class I violation.

The RCRA waste drums associated with this violation are: 1C-12, 1C-17, 1C-20, 1C-64, 1C-101, 3C-158, 3C-193, 5C-883, 7C-1, 7C-2, 7C-231, 7C-232, 7C-233. The total number of RCRA waste drums associated with this violation is 13.

The California Only waste drums associated with this violation are: 1C-24, 1C-25, 1C-29, 1C-30, 1C-37, 1C-38, 1C-40, 1C-41, 1C-42, 1C-43, 1C-45, 1C-46, 1C-49, 1C-50, 3C-116, 5C-880, 5C-917, 5C-925. The total number of drums associated with this violation is 18.

The Excluded Recyclable waste drums associated with this violation are: 3C-124, 3C-125, 3C-133, 3C-146, 3C-152, 3C-154, 3C-200, 3C-201, 3C-210, 3C-221, 3C-222, 3C-232, 5C-932, 5C-936, 7C-22, 7C-123. The total number of drums associated with this violation is 16.

The California Regulated Empty Containers associated with this violation are: 1C-13, 1C-26, 1C-27, 1C-47, 3C-1 through 3C-114, 3C-144, 5C-1 through 5C-95, 5C-97 through 5C-138, 5C-140 through 5C-452, 5C-455 through 5C-558, 5C-560 through 5C-660, 5C-662 through 5C-744, 5C-747 through 5C-879, 5C-906, 5C-938, 5C-919, 5C-920, 5C-559, 5C-453, 5C-454, 5C-746, 5C-913, 5C-914, 5C-915, 5C-929, 5C-939, 5C-881, 5C-886, 5C-921, 6C-36, 6C-37, 6C-1, 6C-2, 6C-3, 6C-4. The total number of empty drums is 1014, however, according to CENCO who performed a survey of 600 empty drums, approximately thirty percent (30%) of the empty drums had originally

contained hazardous materials. See Appendix VIII. Despite the fact that CENCO has not given the CUPA any supporting documentation to show that some of the drums originally contained only non-hazardous materials, the CUPA will assess the violations based on CENCO's thirty percent estimate. Thus, the total number of drums subject to this violation is 304.

- 3) A violation of the California Code of Regulations, Section 66262.34(f) for failure to properly mark waste containers. Drums in Area 1, Area 5, and Area 7 had containers with no labels on them or labels that were not legible or were incomplete. Drums of hazardous waste could not be distinguished from drums of non-hazardous waste. The improper management of the drums contributed to this condition and the length of time the drums had been stored, added to this violation. The total number of containers subject to this violation is 34. This is a Class II Violation.

The containers associated with this violation are: 1C-12, 1C-17, 1C-24, 1C-25, 1C-29, 1C-30, 1C-38, 1C-40, 1C-41, 1C-43, 1C-45, 1C-49, 1C-50, 1C-64, 1C-101, 3C-125, 3C-133, 3C-146, 3C-152, 3C-154, 3C-158, 3C-201, 5C-880, 5C-917, 5C-925, 5C-932, 5C-936, 7C-1, 7C-2, 7C-22, 7C-123, 7C-231, 7C-232, 7C-233.

- 4) A violation of the California Code of Regulations, Title 22, Sections 66262.34(a)(1)(A) and Section 66265.173 for failure to store hazardous waste in containers that are closed and in good condition to prevent releases or harm to health and the environment. Drums of waste were not sealed, had leaked, had undergone an internal reaction or were in poor condition such that they were a threat to release.

These violations are collectively a Class I Violation.

The RCRA waste drums associated with this violation are: 1C-12, 1C-17, 1C-20, 1C-64, 1C-101, 3C-158, 3C-193, 5C-883, 7C-1, 7C-2, 7C-231, 7C-232, 7C-233. The total number of RCRA waste drums associated with this violation is 13.

The California Only waste drums associated with this violation are: 1C-24, 1C-25, 1C-29, 1C-30, 1C-37, 1C-38, 1C-40, 1C-41, 1C-42,

1C-43, 1C-45, 1C-46, 1C-49, 1C-50, 3C-116, 5C-880, 5C-917, 5C-925. The total number of drums associated with this violation is 18.

The Excluded Recyclable waste drums associated with this violation are: 3C-124, 3C-125, 3C-133, 3C-146, 3C-152, 3C-154, 3C-200, 3C-201, 3C-210, 3C-221, 3C-222, 3C-232, 5C-932, 5C-936, 7C-22, 7C-123. The total number of drums associated with this violation is 16.

- 5) A violation of the California Code of Regulations, Title 22, Section 66265.31 for failure to minimize the possibility of a fire, explosion, or release to the environment. The non-permitted storage of hazardous waste and poor management of containers increased the likelihood of fire, explosion or release to the environment. In fact, some drums were not sealed, had leaked, or had undergone an internal reaction.

The violations in this section are a Class I violation.

- 6) A violation of the California Code of Regulations, Title 22, Sections 66262.34(a)(1)(A) and 66265.174 for failure to inspect waste storage areas at least weekly for the proper management of hazardous waste. The failure of this requirement greatly contributed to the deterioration of the areas and the releases to the environment. This is a Class I Violation. The number of weeks this violation occurred is 38.
- 7) A violation of the California Code of Regulations, Title 22, Sections 66262.34(a)(4) and 66265.35 for failure to maintain proper aisle space in the storage areas. In Area 1, Area 3, Area 5 and Area 7 the containers were packed so tight that the areas could not be properly inspected to determine compliance for generator requirements and the container condition. This is a Class II Violation. The total number of violations pertaining to this section is 4.
- 8) A violation of the California Code of Regulations, Title 22, Sections 66262.34(a)(1)(A) and 66265.177 for failure to separate incompatibles. In Area 3, a drum of RCRA waste flammable liquid (drum 3C-158) was being stored adjacent to a drum of RCRA waste corrosive liquid (drum 3C-193). The drum of flammable waste had failed and spilled to the ground. The drum of corrosive waste had

1 noncompliance.

2 32. Health and Safety Code section 25181(a) provides that when DTSC
3 "determines that any person has engaged in, is engaged in, or is about to engage in
4 any acts or practices which constitute or will constitute a violation of any
5 provision of this chapter, or any rule, regulation, permit, covenant, standard,
6 requirement, or order issued, promulgated, or executed thereunder, . . . the
7 Attorney General may apply to the superior court for an order enjoining those acts
8 or practices, or for an order directing compliance, and upon a showing by the
9 department that the person has engaged in or is about to engage in any such acts
10 or practices, a permanent or temporary injunction, restraining order, or other order
11 may be granted."

12 33. Health and Safety Code section 25181(b) provides that when the CUPA
13 "determines that any person has engaged in, is engaged in, or is about to engage in
14 any acts or practices which constitute or will constitute a violation of any
15 provision of this chapter, or any rule, regulation, permit, covenant, standard,
16 requirement, or order issued, promulgated, or executed thereunder, . . . the city
17 attorney of the city in which those acts or practices occur . . . may apply to the
18 superior court for an order enjoining such acts or practices, or for an order
19 directing compliance, and upon a showing by the unified program agency that the
20 person has engaged in or is about to engage in any such acts or practices, a
21 permanent or temporary injunction, restraining order, or other order may be
22 granted."

23 34. Health and Safety Code section 25184 provides that in civil actions brought
24 pursuant to the HWCL in which an injunction or temporary restraining order is sought:
25 "it shall not be necessary to allege or prove at any stage of the proceeding that
26 irreparable damage will occur should the temporary restraining order, preliminary
27 injunction, or permanent injunction not be issued; or that the remedy at law is
28 inadequate, and the temporary restraining order, preliminary injunction, or

1 permanent injunction shall issue without such allegations and without such
2 proof."

3 35. DTSC and the CUPA have determined that Defendants have engaged in, and
4 unless enjoined and restrained by this Court will continue to engage in, acts and practices which
5 constitute violations of the HWCL and the regulations issued or promulgated thereunder, as more
6 fully set forth below.

7 36. Each violation renders Defendants liable for civil penalties pursuant to Health and
8 Safety Code sections 25189(b), 25189.2(b) and/or 25188, according to proof. Each continuing
9 violation also subjects Defendants to injunctive relief pursuant to Health and Safety Code
10 sections 25181 and 25184.

11 37. DTSC has requested the Attorney General to apply to the Superior Court for an
12 injunction enjoining Defendants from continuing these violations.

13 38. The CUPA has requested the City Attorney to apply to the Superior Court for an
14 injunction enjoining Defendants from continuing these violations.

15 39. DTSC has incurred investigation costs to determine whether Defendants have
16 been in compliance with the State's hazardous waste laws and regulations and with any
17 agreements previously entered by Defendants. DTSC has expended and will continue to expend
18 State funds for such costs of investigation in order to determine whether Defendants are in
19 compliance with the State's hazardous waste laws and regulations and whether Defendants are
20 complying with any orders issued by DTSC and with any temporary restraining order or
21 preliminary or permanent injunction issued by the Court.

22 GENERAL ALLEGATIONS

23 40. Plaintiffs are informed and believe and based thereon allege the following:

24 a. The predecessor company to Powerine constructed the Lakeland Road
25 Refinery in approximately 1930. That company was reformulated as Powerine in
26 approximately 1950.

27 b. Powerine had substantial financial difficulties in the 1980's and 1990's. In
28 mid-1995 Powerine stopped operating the facility and terminated the majority of its

1 operations and the majority of its workforce.

2 c. At the time Powerine stopped operations, at least a dozen large tanks at the
3 facility contained oil, other petroleum derived materials, and other hazardous materials.
4 Powerine and its successor Cenco continue to store a very large portion of that material at
5 the Lakeland Road Refinery.

6 d. For several years Powerine explored a variety of options for disposing of
7 the refinery. In 1995 and 1997, Powerine entered into agreements to sell the Lakeland
8 Road Refinery to companies that would dismantle the refinery and transport it to other
9 countries. Neither of those agreements was implemented. Powerine also made several
10 attempts to obtain financing to restart the refinery in Santa Fe Springs.

11 e. In March of 1998, Cenco began pre-purchase investigations of the
12 Lakeland Road Refinery.

13 f. In 1998, Powerine sold the Lakeland Road Refinery to Cenco.

14 41. In the summer of 1997, DTSC received a complaint that Powerine was illegally
15 storing hazardous waste at the Lakeland Road Refinery. On August 12, 1997 DTSC inspected
16 the Lakeland Road Refinery and verified that Powerine was illegally storing hazardous waste in
17 tanks without authorization. Those materials posed a potential health and safety risk. Even if
18 Powerine had intended to recycle the materials in question when it began storing those materials,
19 over a period of two years little if any of the materials had been recycled or transferred for
20 recycling; by virtue of the speculative accumulation provisions, any recyclable materials in the
21 tank were subject to regulation as a hazardous wastes. DTSC issued Powerine a Summary of
22 Violations and directed Powerine to correct those violations. DTSC again inspected the Lakeland
23 Road Refinery in January of 1998, took additional samples of the stored materials and again
24 confirmed that Powerine was storing hazardous waste without authorization.

25 42. In April of 2000 DTSC again inspected the Lakeland Road Facility. DTSC
26 identified additional tanks in which Cenco was illegally storing hazardous waste and directed
27 Cenco to correct its violations.

28 43. In 1981, Powerine sought and obtained authorization to store and/or treat

1 hazardous waste in an alklylation neutralization unit ("ANU"). That authorization was extremely
2 narrow. In 1992, Powerine notified DTSC that it would no longer manage hazardous waste in
3 ANU and thereupon Powerine's authorization to do so expired. Since that notification, neither
4 Powerine nor Cenco has had authorization to engage in any activity that required hazardous
5 waste management facility permit from DTSC.

6 44. In September 1999, during a routine inspection of the Cenco Refinery, the CUPA
7 found that approximately 1600 drums were stored in six areas at the Refinery. Many of the
8 drums were in poor condition, improperly marked, and unidentified, and some drums of
9 hazardous waste were stored longer than 90 days in violation of the HWCL. These violations are
10 described with more particularity in the Fourth, Fifth, Sixth, and Seventh Causes of Action.

11 45. The CUPA also discovered a soil pile in one of the areas to the northeast corner of
12 Bloomfield and Lakeland west of the coke barn ("Bloomfield Property"). Plaintiffs are informed
13 and believe and thereon allege that this soil was transported from the south side of Lakeland
14 between Bloomfield and Norwalk ("Lakeland Property"), as well as from other locations at the
15 Refinery, to the Bloomfield Property.

16 46. The CUPA subsequently cordoned the areas where the drums and soil pile were
17 located and restricted Cenco's access to these areas as it performed its investigation of potential
18 violations of the HWCL.

19 47. In February 2000, a consultant was retained by the City to characterize the drums
20 and the soil pile previously referred to herein. The characterization performed by the consultant
21 confirmed that Cenco violated the HWCL by storing hazardous waste for longer than 90 days
22 without a permit, failing to perform proper waste determinations, failing to prevent releases, and
23 storing hazardous waste in improperly labeled and poorly maintained containers. The CUPA
24 further found that Cenco had improperly characterized and stored the soil pile at its present
25 location at the Refinery. These violations are described with more particularity in the Eighth
26 Cause of Action below.

1 FIRST CAUSE OF ACTION

2 (Illegal Storage of Hazardous Waste in Tanks)

3 (Against Defendant Powerine By Plaintiff DTSC)

4 48. Paragraphs 1 through 47 are realleged as if fully set forth herein.

5 49. Health and Safety Code section 25201(a) makes illegal any storage, treatment
6 and/or disposal of hazardous waste that is not authorized by DTSC or by statute.

7 50. DTSC is informed and believes and thereon alleges that when Powerine ceased
8 operating in 1995, Powerine was storing liquid and sludges in tanks.

9 51. The materials in Tanks 10006 and 27105, and possibly other tanks, were
10 hazardous waste at the time Powerine sold the Lakeland Road Refinery to Cenco.

11 52. DTSC is informed and believes and thereon alleges that the materials in Tanks
12 10006 and 27105 were largely undisturbed between 1995 and the time that Powerine sold the
13 Lakeland Road Refinery to Cenco. DTSC therefore alleges that the material in those tanks is
14 regulated as a hazardous waste, that Powerine speculatively accumulated that hazardous waste,
15 and that Powerine illegally stored that hazardous waste for more than two years.

16 53. Powerine has never applied for authorization to store hazardous waste in tanks
17 10006 and 27105, nor has DTSC authorized Powerine to store hazardous waste in those tanks.

18 54. Defendant Powerine violated Health and Safety Code section 25201(a) in that it
19 stored hazardous waste in tanks without authorization.

20 SECOND CAUSE OF ACTION

21 (Illegal Storage of Hazardous Waste in Tanks)

22 (Against Defendant Cenco By Plaintiff DTSC)

23 55. Paragraphs 1 through 54 are realleged as if fully set forth herein.

24 56. In its January 2000 inspection of the Lakeland Road Refinery, DTSC determined
25 that Cenco was storing hazardous wastes in certain tanks at the Refinery including, but not
26 limited to, some and possibly all of the following: Tank 10006, Tank 1002, Tank 20014, Tank
27 2030, Tank 27093, Tank 27105, Tank 3012, Tank 3072, Tank 5516, Tank 79022, Tank 96090,
28 Tank 96109, and Tank 96110.

1 57. DTSC is informed and believes and thereon alleges that since purchasing the
2 refinery Cenco has not removed the materials in the tanks listed in paragraph 56. DTSC therefore
3 alleges that the materials in those tanks are regulated as a hazardous waste, that Cenco has
4 illegally stored those hazardous wastes for more than eighteen months and that Cenco continues
5 to illegally store that hazardous waste.

6 58. Cenco has never applied for, nor has DTSC ever given Cenco, authorization to
7 store hazardous waste in any of the tanks listed in paragraph 56.

8 59. Defendant Cenco violated and continues to violate Health and Safety Code
9 section 25201(a) in that it is storing hazardous waste in tanks without authorization.

10 THIRD CAUSE OF ACTION

11 (Illegal Storage of Hazardous Waste on the Ground; Unsafe Operation)

12 (Against Defendants Cenco and Powerine by Plaintiff DTSC)

13 60. Paragraphs 1 through 59 are realleged as if fully set forth herein.

14 61. Title 22, C.C.R., sections 66262.34(a)(4) and 66265.31 require a hazardous waste
15 generator to conduct its operations in a manner to minimize the possibility of any unplanned
16 sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which
17 could threaten human health or the environment.

18 62. In April of 2000, DTSC inspectors observed four heat exchanger units coated with
19 dust and/or dried sludge sitting on a cement pad without a cover. DTSC inspectors also observed
20 that wind had caused the dispersion of dust and dried sludge from the exchanger units to the
21 surrounding ground. DTSC is informed and believes and thereon alleges that the heat exchanger
22 units had been sitting in that location since 1995.

23 63. Heat exchanger sludge is a listed hazardous waste: K050. (Title 22, C.C.R., §
24 66261.32.)

25 64. Defendants Powerine and Cenco violated Health and Safety Code section
26 25201(a) in that they stored a hazardous waste without authorization.

27 65. Defendants Powerine and Cenco violated Title 22, C.C.R., sections
28 66262.34(a)(4) and 66265.31 in that they allowed hazardous waste to disperse to the ground.

1
2
3 FOURTH CAUSE OF ACTION

4 (Illegal Storage of Hazardous Waste Without a Permit - Drums)

5 (Against Defendants Cenco and Powerine by Plaintiffs DTSC and City of Santa Fe Springs)

6 66. Paragraphs 1 through 65 are realleged as if fully set forth herein.

7 67. The City is informed and believes and thereon alleges that Powerine and Cenco
8 improperly stored approximately 1112 drums containing hazardous waste for longer than 90 days
9 without a permit in six areas of the Refinery discovered during the CUPA's routine inspection in
10 September 1999.

11 68. Cenco and Powerine have never applied for authorization to store hazardous waste
12 in drums in any of the six areas of the Refinery, nor has the CUPA ever given Cenco or Powerine
13 any authorization to store hazardous waste. As such, Cenco and Powerine violated and continue
14 to violate Health and Safety Code section 25201 and Title 22, C.C.R. section 66262.34.

15 FIFTH CAUSE OF ACTION

16 (Improper Waste Determination - Drums)

17 (Against Defendants Cenco and Powerine by Plaintiffs DTSC and City of Santa Fe Springs)

18 69. Paragraphs 1 through 68 are realleged as if fully set forth herein.

19 70. The City is informed and believes and thereon alleges that Powerine and Cenco
20 failed to make proper waste determinations for approximately 149 drums found in six areas of
21 the Refinery discovered during the CUPA's routine inspection in September 1999. In addition,
22 many labels on the drums were missing, illegible, and incorrect. As such, Defendants Powerine
23 and Cenco violated Title 22, C.C.R. section 66262.11.

24 SIXTH CAUSE OF ACTION

25 (Improper Management of Containers)

26 (Against Defendants Cenco and Powerine by Plaintiffs DTSC and City of Santa Fe Springs)

27 71. Paragraphs 1 through 70 are realleged as if fully set forth herein.

28 72. The City is informed and believes and thereon alleges that Powerine and Cenco
did not properly manage drums containing hazardous waste in six areas discovered during the
CUPA's routine inspection in September 1999. Approximately 164 drums containing hazardous

1 waste were in poor condition and a few drums had leaks in them in violation of Title 22, C.C.R.
2 sections 66262.34(a)(1)(A) and 66265.173. Furthermore, in one instance, Cenco failed to
3 separate incompatible wastes by storing a drum of flammable material next to a drum of sulfuric
4 acid in violation of Title 22, C.C.R. sections 66262.34(a)(1)(A) and 66265.177(c).

5 73. The City further alleges that Powerine and Cenco failed to maintain proper aisle
6 space for the drums in four areas, failed to perform weekly inspections of the storage areas, and
7 failed to implement personnel training in violation of Title 22, C.C.R. sections
8 66262.34(a)(1)(A), 66262.34(a)(4), 66265.35, 66265.174, and 66265.16.

9 SEVENTH CAUSE OF ACTION

10 (Failure to Minimize the Possibility of a Fire, Explosion, or
11 Release to the Environment)

12 (Against Defendants Cenco and Powerine by Plaintiffs DTSC and City of Santa Fe Springs)

13 74. Paragraphs 1 through 74 are realleged as if fully set forth herein.

14 75. The City is informed and believes and thereon alleges that as a result of its
15 improper waste determination, storage of hazardous waste without a permit, and improper drum
16 management, as set forth above, Powerine and Cenco failed to minimize the possibility of a fire,
17 explosion, or release to the environment. In fact, at least one drum leaked hazardous waste
18 (flammable ink) onto the ground. As such, Defendants Powerine and Cenco violated and
19 continue to violate Title 22, C.C.R. sections 66262.34(a)(4) and 66265.31.

20 EIGHTH CAUSE OF ACTION

21 (Improper Characterization and Storage of Contaminated Soil)

22 (Against Defendant Cenco by Plaintiffs DTSC and City of Santa Fe Springs)

23 76. Paragraphs 1 through 75 are realleged as if fully set forth herein.

24 77. The City is informed and believes and thereon alleges that Cenco transported
25 contaminated soil from the Lakeland Property to the Bloomfield Property. The CUPA
26 discovered this soil pile during its routine inspection in September 1999.

27 78. Prior to transporting and storing the soil, Cenco had not performed any analysis
28 on the soil for metals. As a result of the characterization performed by the CUPA's consultant,

1 STEVEN N. SKOLNIK (State Bar No. 89086)
2 CITY ATTORNEY
3 2800 28th Street, Suite 315
4 Santa Monica, California 90405
5 Telephone: (310) 399-5084

6 COLIN LENNARD (State Bar No. 42304)
7 PATRICIA J. CHEN (State Bar No. 197719)
8 FULBRIGHT & JAWORSKI L.L.P.
9 Special Counsel
10 865 South Figueroa Street, 29th Floor
11 Los Angeles, California 90017-2576
12 Telephone: (213) 892-9200
13 Facsimile: (213) 680-4518

14 Attorneys for CITY OF SANTA FE SPRINGS

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES

17 PEOPLE OF THE STATE OF CALIFORNIA, ex
18 rel. Edwin F. Lowry, Director, California
19 Department of Toxic Substances Control and City
20 of Santa Fe Springs.,

21 Plaintiff,

22 vs.

23 CENCO REFINING COMPANY, a Delaware
24 Corporation, POWERINE OIL COMPANY, a
25 California Corporation and DOES 1-10,

26 Case No. BC 230158
27 (Related Cases VC 029214 and VC
28 031799)

DECLARATION OF COLIN
LENNARD IN SUPPORT OF
MOTION FOR ENTRY OF
JUDGMENT AS TO FOURTH,
FIFTH, SIXTH, SEVENTH, AND
EIGHTH CAUSES OF ACTION
PURSUANT TO STIPULATION

Date: August 29, 2001
Time: 10:00 a.m.
Department: D

I, Colin Lennard, hereby declare as follows:

1. I am an attorney at law duly licensed to practice before the courts of the State of California. I am the attorney for Plaintiff City of Santa Fe Springs (the "City") in this action and have personal knowledge of the facts set forth herein

2. On August 9, 2001 all parties appeared before the Court and the City and Defendants CENCO Refining Company and Powerine Oil Company ("Defendants") informed the court that they had agreed to a settlement in concept, however, were still in the process of

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1 negotiating the details of the settlement. After consulting the parties, the Court subsequently set
2 the August 29, 2001 hearing date for the City's motion for entry of judgment.

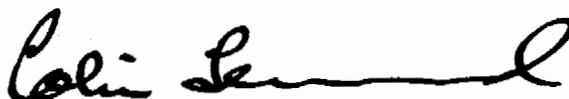
3 3. After extensive negotiations, the City and Defendants have agreed to the
4 Stipulation for Entry of Judgment (the "Stipulation") attached hereto as Exhibit "1". Because the
5 City and Defendants have only recently agreed to the language in the Stipulation, neither party
6 was able to obtain signatures by their principals prior to filing this motion. As such, the City and
7 Defendants have agreed to provide the Court with a signed copy of the Stipulation at the hearing
8 on August 29, 2001.

9 4. The City has provided draft copies of the Stipulation to counsel for the
10 Department of Toxic Substances Control ("DTSC") for review and comment. Counsel for DTSC
11 requested several amendments and clarifications, substantially most of which were incorporated
12 into the final Stipulation presented to the Court.

13 5. The proposed Stipulation has been served on all parties to this action and
14 Communities for a Better Environment ("CBE").

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17 Executed this 22nd day of August, at Los Angeles, California.

18 

19 COLIN LENNARD
20
21
22
23
24
25
26
27
28

1 STEVEN N. SKOLNIK (State Bar No. 89086)
2 CITY ATTORNEY
3 2800 28th Street, Suite 315
Santa Monica, California 90405
Telephone: (310) 399-5084

4 COLIN LENNARD (State Bar No. 42304)
5 PATRICIA J. CHEN (State Bar No. 197719)
6 FULBRIGHT & JAWORSKI L.L.P.
Special Counsel
865 South Figueroa Street, 29th Floor
Los Angeles, California 90017-2576
Telephone: (213) 892-9200
Facsimile: (213) 680-4518

8 Attorneys for CITY OF SANTA FE SPRINGS

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES

11 PEOPLE OF THE STATE OF CALIFORNIA, ex
12 rel. Edwin F. Lowry, Director, California
Department of Toxic Substances Control and City
13 of Santa Fe Springs.,

14 Plaintiff,

15 vs.

16 CENCO REFINING COMPANY, a Delaware
17 Corporation, POWERINE OIL COMPANY, a
California Corporation and DOES 1-10,

) Case No. BC 230158
) (Related Cases VC 029214 and VC
) 031799)

) **STIPULATION FOR ENTRY OF**
) **JUDGMENT AS TO FOURTH,**
) **FIFTH, SIXTH, SEVENTH, AND**
) **EIGHTH CAUSES OF ACTION**

) Date: August 29, 2001
) Time: 10:00 a.m.
) Department: D

19
20
21 **I. PARTIES**

22 This Stipulation for Entry of Judgment ("Stipulation") is entered into between Plaintiff
23 People of the State of California ex rel. City of Santa Fe Springs (the "City") and Defendants
24 CENCO Refining Company and Powerine Oil Company (collectively "CENCO" or
25 "Defendants").
26

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1 **II. INTRODUCTION**

2 On September 28, 1999, the Santa Fe Springs Fire Department, which is a Certified
3 Unified Program Agency ("CUPA") pursuant to Health and Safety Code Section 25404(a)(1)(c),
4 performed a routine inspection of CENCO's refinery facility at 12345 Lakeland Road, Santa Fe
5 Springs, California (the "Refinery" or "Facility"). During this inspection, the CUPA discovered
6 approximately 1600 drums being stored at the Facility as well as three soil piles. Many of the
7 drums were in poor condition and/or were not properly labeled and it appeared that a few drums
8 had leaked. The CUPA suspected that some of the drums contained hazardous wastes and
9 therefore conducted an investigation of the site. The CUPA retained a consultant to sample the
10 drums and soil piles to characterize the materials.

11 During the CUPA's investigation, the California Department of Toxic Substances Control
12 ("DTSC") was performing its own investigation of the materials in certain above-ground storage
13 tanks ("ASTs") at the Facility. On May 17, 2000, the City and Edwin F. Lowry, Director of
14 DTSC, on behalf of the People of the State of California filed a complaint seeking declaratory
15 and injunctive relief against Defendants and DOES 1 through 10 (the "Complaint"). The
16 Complaint alleged numerous violations of the California's hazardous waste laws and regulations
17 with regard to the drums, soil piles, and ASTs at the Refinery.

18 **III. COMPLAINT**

19 The Complaint alleges that Defendants violated provisions of the Hazardous Waste
20 Control Law ("HWCL"), Health and Safety Code §§ 25100 et seq., and HWCL regulations,
21 Section 66000 et seq. of Title 22, California Code of Regulations, and seeks certain corrective
22 action, administrative and enforcement costs, and civil penalties. The First through Third
23 Causes of Action are brought by DTSC, whereas the Fourth through Eighth Causes of Action are
24 brought by both DTSC and the City. This Stipulation addresses only the Fourth, Fifth, Sixth,
25 Seventh, and Eighth Causes of Action. This Stipulation has no impact on the First through Third
26 Causes of Action which are still outstanding and will be resolved between DTSC and CENCO.
27 A copy of the Complaint is attached hereto as Exhibit A.

1 **IV. JURISDICTION**

2 The parties agree that this Court has jurisdiction over this action pursuant to the
3 California Constitution, Article 6, section 10. Venue is proper in this Court under California
4 Health and Safety Code Section 25183. Defendants consent to and shall not challenge entry of
5 this Judgment or this Court's jurisdiction to enter, enforce, modify or terminate this Judgment.

6 **V. SETTLEMENT OF DISPUTED CLAIMS**

7 The parties agree that, and the Court by entering this Judgment finds that, settlement of
8 the Fourth through Eighth Causes of Action as alleged in the Complaint is in the public interest
9 and that entry of this Judgment pursuant to California Code of Procedure Section 664.6 without
10 further litigation is the most appropriate way to resolve this action. The parties agree that this
11 Stipulation represents a fair and reasonable settlement of the Fourth through Eighth Causes of
12 Action in the Complaint. The parties further agree that by stipulating to this Judgment,
13 Defendants do not admit any liability with respect to any of the allegations in the Complaint.

14 **VI. FINDINGS**

15 The CUPA's investigation resulted in a Final Inspection Report ("Final Report") which it
16 issued to CENCO on September 15, 2000, attached hereto as Exhibit B. Prior to the Final Report
17 the CUPA issued a draft inspection report which CENCO had the opportunity to comment on.
18 The CUPA and CENCO had meetings to resolve factual issues contained in the draft report and
19 the CUPA amended the draft report in response to issues raised by CENCO. For the purposes of
20 this settlement only, Defendants hereby agree to the factual findings contained in the Final
21 Report.

22 **VII. REPRESENTATIONS**

23 A. Disposal of Drums: CENCO certifies that it has disposed of all drums subject to
24 the Complaint, except for drums containing product or non-hazardous waste, in compliance with
25 the HWCL.

26 B. Disposal of Contaminated Soil: CENCO certifies that it has removed portions of
27 the soil that contained elevated levels of heavy metals as specified in a report prepared by Versar,
28 Inc., attached hereto as Appendix IX of Exhibit B. The remaining soil shall either be used as fill

1 beneath asphalt pavement or disposed of in accordance with applicable law. Prior to using the
2 soil as fill, CENCO agrees to demonstrate that the soil does not pose a significant health hazard
3 by performing a human health screening risk assessment based on the data CENCO has
4 submitted to the CUPA prior to the date of this Stipulation. Prior to performing the risk
5 assessment, CENCO shall provide the CUPA, for its approval, a list of assumptions and
6 parameters (e.g. where the soil will be used, length of project, exposure time for workers and/or
7 public, etc.) which will be relied upon in the risk assessment. CENCO shall provide the risk
8 assessment (or notice of disposal of the soil) to the CUPA at least 10 days before the soil is
9 moved from its present location. CENCO further agrees to comply with all requirements set forth
10 by the Regional Water Quality Control Board.

11 **VIII. ENTRY OF JUDGMENT**

12 By signing this Stipulation, the City and Defendants request that the Court enter
13 Judgment in this case on the Fourth, Fifth, Sixth, Seventh, and Eighth Causes of Action, as set
14 forth in the [Proposed] Judgment Pursuant to Stipulation ("Consent Judgment").

15 **IX. INJUNCTIVE PROVISIONS**

16 A. Generated Waste: CENCO agrees that it shall store all hazardous wastes that it
17 generates in a safe and orderly fashion in compliance with Title 22, California Code of
18 Regulations, section 66262.10(g) and 66262.34. CENCO further agrees to perform hazardous
19 waste determinations pursuant to Title 22, California Code of Regulations, section 66262.11.

20 B. Storage of Hazardous Waste: CENCO shall not store hazardous waste for more
21 than 90 days unless it obtains a permit from DTSC or obtains an extension pursuant to Title 22,
22 California Code of Regulations, section 66262.34(c).

23 C. Fire Prevention: CENCO agrees that at all times it shall remain in compliance the
24 current Uniform Fire Code.

25 D. Aisle Space: CENCO agrees that it shall maintain adequate aisle space and other
26 access as required by Title 22, California Code of Regulations, section 66265.35 and that in all
27 hazardous waste drum storage areas CENCO shall maintain aisle spaces of not less than 30
28 inches.

1 E. Separation of Incompatible Wastes: CENCO agrees that it shall comply with
2 Title 22, California Code of Regulations, section 66265.177(c).

3 F. Weekly Inspections: CENCO agrees that it shall perform weekly inspections in
4 compliance with Title 22, California Code of Regulations, section 66265.174.

5 G. Personnel Training: CENCO agrees that it shall implement personnel training in
6 compliance with Title 22, California Code of Regulations, section 66265.16.

7 H. Excluded Tanks: the above ground storage tanks including Tanks #5516, 96109,
8 96110, 10006 and 27105 which are the subject of the First through Third Causes of Action in the
9 Complaint are not subject to the injunctive provisions in this section. DTSC will resolve the
10 issues surrounding these tanks with CENCO.

11 **X. CIVIL PENALTY AND REIMBURSEMENT OF COSTS**

12 A. Defendants agree to pay the City \$264,622.55 ("Settlement Amount"), of which
13 \$143,942.55 is reimbursement for administrative costs the City has incurred in this matter since
14 September 1999, and \$120,680 is a civil penalty. The Settlement Amount shall be paid within
15 30 days of CENCO receiving financing. For the purposes of this Stipulation and Judgment,
16 "financing" shall mean the obtaining of funds from any financial institution or private entity
17 which funds are to be used for the construction and/or operation of the Refinery. If CENCO has
18 not obtained financing within 18 months of the entry of this Judgment, CENCO agrees to
19 immediately pay the City one-half of the Settlement Amount (\$132,311.27). Thereafter, on the
20 last day of each successive month, CENCO shall pay the remaining balance in equal monthly
21 installments, for 18 months, including interest at an annual percentage rate of 8 percent. Interest
22 shall begin to accrue immediately following the 18 months after entry of this Judgment.

23 B. Defendants shall make its payment by cashier's check, payable to "City of Santa
24 Fe Springs," and shall include on the face of such check the title and case number of this
25 proceeding. Defendants shall send payment by certified mail or overnight mail or deliver it by
26 hand to:

27 Cashier
28 City of Santa Fe Springs
Accounting Department

1 P.O. Box 2120
2 11710 East Telegraph Road
3 Santa Fe Springs, CA 90670

4 Copies of the check shall be mailed to:

5 Steven Skolnik, Esq.
6 2800 28th Street, Suite 315
7 Santa Monica, CA 90405

8 Colin Lennard, Esq.
9 865 S. Figueroa Street
10 29th Floor
11 Los Angeles, CA 90017

12 and

13 Chief Neal Welland
14 Santa Fe Springs Fire Department
15 11300 Greenstone Avenue
16 Santa Fe Springs, CA 90670

17 If Defendants fail to make the payment within 30 days of receiving financing, Defendants shall
18 pay a further penalty of \$500 per day in addition to the Settlement Amount for each day
19 Defendants fail to pay the Settlement Amount after it is due.

20 C. The method of payment set forth in Paragraph VII.A. may be modified by written
21 agreement, signed by the City and CENCO. However, the Settlement Amount, \$264,622.55,
22 shall not be modified.

23 D. Defendants agree that in the event that CENCO transfers ownership of the entire
24 Facility whereby CENCO receives funds as a result of said transfer, CENCO shall pay the City
25 the entire Settlement Amount from the proceeds of the transfer as soon as the funds are available
26 to CENCO (i.e., at the close of escrow). In any event, the transfer of ownership or operational
27 control of the facility shall not relieve Defendants of their obligations under Section X of this
28 Stipulation.

29 **XI. COVENANT NOT TO SUE BY DEFENDANTS**

30 Defendants hereby release the City, their employees, representatives, and agents from any
31 and all liability, in their official or personal capacity, arising from or relating to this litigation or
32 any inspection, enforcement or permitting activity, or other regulatory action relating to this

1 litigation. Defendants further covenant not to sue or assert any claims or causes of action against
2 the City, their employees, representatives, and agents from any and all liability, in their official
3 or personal capacity, arising from or relating to this litigation or any inspection, enforcement or
4 permitting activity, or other regulatory action relating to this litigation.

5 **XII. SCOPE OF SETTLEMENT**

6 A. This Stipulation settles only those matters specifically alleged in the Fourth, Fifth,
7 Sixth, Seventh, and Eighth Causes of Action in the Complaint. Nothing in this Stipulation shall
8 constitute or be construed as a satisfaction or release from liability for any other allegations of
9 the Complaint or for any other claims. Nothing in this Stipulation shall constitute or be construed
10 as a satisfaction or release from liability for any violations of law outside the HWCL.

11 B. Except as expressly provided in this Stipulation, nothing in this Stipulation is
12 intended, nor shall it be construed to preclude the City or any governmental agency, department,
13 board or entity from exercising its authority under any law, statute or regulation.

14 **XIII. LIABILITY**

15 The City shall not be liable for any injury or damage to persons or property resulting
16 from acts or omissions by Defendants or their directors, officers, employees, agents,
17 representatives or contractors in carrying out activities pursuant to this Stipulation. The City
18 shall not be held as a party to or guarantor of any contract entered into by Defendants or their
19 directors, officers, employees, agents, representatives or contractors in carrying out activities
20 pursuant to this Stipulation.

21 **XIV. DISMISSAL OF COMPLAINT**

22 Upon entry of the Judgment, the City shall dismiss the Fourth, Fifth, Sixth, Seventh, and
23 Eighth Causes of Action of the Complaint with prejudice.
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1 **XV. MODIFICATION**

2 This Stipulation may be modified upon written approval of the parties hereto and the
3 court.

4 **XVI. SATISFACTION OF JUDGMENT**

5 The City shall comply with section 724.030 of the Code of Civil Procedure.

6 **XVII. APPLICATION OF STIPULATION**

7 This Stipulation shall apply to and be binding upon the City and Defendants and all
8 agents and successors and assigns of either of them.

9 **XVIII. AUTHORITY TO ENTER STIPULATION**

10 Each signatory to this Stipulation certifies that she or he is fully authorized by the party
11 or parties she or he represents to enter into this Stipulation, to execute it on behalf of the party or
12 parties represented, and legally to bind such party or parties.

13 **XIX. INTEGRATION**

14 This Stipulation constitutes the entire agreement among the parties and may not be
15 amended or supplemented except as provided for in the Stipulation.

16 **XX. EFFECTIVE DATE**

17 This Stipulation may be executed in two or more counterparts, each of which shall be
18 deemed an original, but all of which together shall constitute one and the same instrument. This
19 Stipulation shall become effective on the date on which the City signs this Stipulation.

20 ///

1 **XXI. EQUAL AUTHORSHIP**

2 This Stipulation shall be deemed to have been drafted equally by all parties hereto.

3 IT IS SO STIPULATED

4
5 **For Plaintiff People of the State of California ex rel. City of Santa Fe Springs**

6
7 Dated: _____

City of Santa Fe Springs

8
9 APPROVED AS TO FORM:

10 FULBRIGHT & JAWORSKI L.L.P.
11

12
13 Dated: _____

Colin Lennard
Attorneys for City of Santa Fe Springs

14
15 **For Defendants CENCO Refining Company and Powerine Oil Company**

16
17 Dated: _____

CENCO Refining Co.

18
19
20 Dated: _____

Powerine Oil Company

21
22 APPROVED AS TO FORM:

23 PILLSBURY WINTHROP
24

25
26 Dated: _____

Margaret Rosegay
Attorneys for CENCO Refining Company
and Powerine Oil Company

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SUPERIOR COURT

BILL LOCKYER, Attorney General
of the State of California
RICHARD FRANK
Chief Assistant Attorney General
DONALD ROBINSON
Supervising Deputy Attorney General
JAMES R. POTTER (State Bar No. 166992)
Deputy Attorney General
300 South Spring St
Los Angeles, California 90013
Telephone: (213) 897-2637
Fax Number: (213) 897-2802

Attorneys for Plaintiff, People of the State of
California, ex rel Edwin F. Lowry, Director,
California Department of Toxic Substances Control

STEVEN N. SKOLNIK (State Bar No. 89086)
City Attorney
2800 28th Street, Suite 315
Santa Monica, California 90405
Telephone: (310) 829-9843
Facsimile: (310) 453-2406

FULBRIGHT & JAWORSKI L.L.P.
COLIN LENNARD (State Bar No. 42304)
PATRICIA J. CHEN (State Bar No. 197719)
Special Counsel to the City of Santa Fe Springs
865 South Figueroa Street, 29th Floor
Los Angeles, California 90017-2576
Telephone: (213) 892-9200
Facsimile: (213) 680-4518

Attorneys for Plaintiff, People of the State of
California, ex rel City of Santa Fe Springs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA, ex)
rel. Edwin F. Lowry, Director, California)
Department of Toxic Substances Control and City)
of Santa Fe Springs,)

Plaintiffs,
v.

CENCO REFINING COMPANY, a Delaware)
Corporation, POWERINE OIL COMPANY, a)
California Corporation and Does 1-10,)

Defendants.)

No.

B C230158

COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE
RELIEF

(Calif. Health and Safety Code
sections 25189 and 25189.2)

The People of the State of California -- ex rel. Edwin F. Lowry, Director of the

Exhibit A Page 1 of 11

1 Department of Toxic Substances Control (hereafter "DTSC") and the City of Santa Fe Springs
2 (hereafter the "City") -- allege as follows:

3 PLAINTIFFS

4 1. DTSC is a public agency of the State of California organized and existing under
5 and pursuant to sections 58000 *et seq.* of the Health and Safety Code. DTSC is the state agency
6 responsible for the administration of the Hazardous Waste Control Law, Chapter 6.5 of division
7 20 of the California Health and Safety Code, sections 25100 *et seq.* ("HWCL").

8 2. Edwin F. Lowry is the Director of DTSC.

9 3. The City of Sante Fe Springs Fire Department is a Certified Unified Program
10 Agency ("CUPA") as defined by Health and Safety Code section 25404(a)(1)(C).

11 4. Pursuant to sections 25181(a) and 25182 of the California Health and Safety
12 Code, the Attorney General of the State of California is authorized, at the request of DTSC, to
13 commence an action in the name of the People for civil penalties and injunctive relief under the
14 HWCL.

15 5. Pursuant to sections 25181(b) and 25182 of the California Health and Safety
16 Code, the City Attorney is authorized, at the request of the CUPA, to commence an action in the
17 name of the People for civil penalties and injunctive relief under the HWCL.

18 DEFENDANTS

19 6. Defendant Powerine Oil Company (hereafter "Powerine") is, and at all times
20 relevant here was, a California corporation. Powerine owned and operated the oil refinery
21 located at 12345 Lakeland Road in the City of Santa Fe Springs (hereafter "the Lakeland Road
22 Refinery") from approximately 1950 to approximately August of 1998.

23 7. Powerine is a "person" as defined at California Health & Safety Code Section
24 25118. Powerine was an "owner and/or operator," as defined at California Code of Regulations,
25 Title 22, Div. 4.5 (hereafter "Title 22, C.C.R."), Section 66260.10.

26 8. When reference is made in this complaint to any act of Powerine such allegation
27 shall mean that each defendant, or employees or representatives of Powerine did, or authorized,
28 such acts, or recklessly and carelessly failed and omitted adequately or properly to supervise,

1 control or direct their employees or representatives while engaged in the management, direction.
2 operation or control of the affairs of Powerine and did so while acting within the course and
3 scope of their employment or agency.

4 9. Defendant Cenco Refining Company (hereafter "Cenco") is a Delaware
5 Corporation that was formed in March of 1998 for the purpose of purchasing and operating the
6 Lakeland Road Refinery. Cenco currently owns and operates the Lakeland Road Refinery.

7 10. Cenco is a "person" as defined at California Health & Safety Code Section 25118.
8 Cenco is an "owner and/or operator," as defined at Title 22, C.C.R., Section 66260.10.

9 11. When reference is made in this complaint to any act of Cenco such allegation
10 shall mean that each defendant, or employees or representatives of Cenco, did, or authorized,
11 such acts, or recklessly and carelessly failed and omitted adequately or properly to supervise,
12 control or direct their employees or representatives while engaged in the management, direction.
13 operation or control of the affairs of Cenco and did so while acting within the course and scope
14 of their employment or agency.

15 12. Defendants Does 1-10 are the officers, agents, employees, servants or others
16 acting in interest or concert with Powerine and/or Cenco. Plaintiffs are ignorant of the true
17 names of defendants sued herein as Does 1-10. When the names of these defendants have been
18 ascertained, Plaintiffs will seek leave to amend the complaint to substitute the true name of each
19 Doe defendant in place of the fictitious name.

20 JURISDICTION AND VENUE

21 13. This court has jurisdiction pursuant to Cal. Const. Art. 6, section 10. Venue is
22 proper under California Health and Safety Code Section 25183.

23 STATEMENT OF THE CASE

24 14. Plaintiffs seek civil penalties and injunctive relief against Cenco and Powerine
25 pursuant to sections 25181, 25184, 25189 and 25189.2 of the California Health and Safety Code
26 for repeated and continuing violations of the HWCL, which governs the operation of hazardous
27 waste generation, storage, transportation, treatment, and disposal.
28

STATUTORY AND REGULATORY BACKGROUND

15. The State of California has enacted a comprehensive statutory and regulatory framework for the generation, handling, treatment, transport and disposal of hazardous wastes. The framework contained in the HWCL, and its implementing regulations, which are found at California Code of Regulations, Title 22, C.C.R., Sections 66260.1 *et seq.*, mandate a "cradle to grave" registration, tracking, storage, treatment and disposal system for the protection of the public from the risks posed by hazardous wastes.

16. California administers the HWCL in lieu of federal administration of the federal Resource Conservation and Recovery Act, which is codified at 42 U.S.C. section 9601 *et seq.* (*Health and Saf. Code §§ 25101, 25159*) Federal law provides that California can administer the HWCL in lieu of the federal act only so long as California's program is equivalent to and consistent with the federal program and California provides adequate enforcement authority to the administering agencies. (*42 U.S.C. § 3006(b)*). California's program must be as stringent and no less extensive than the federal program in every respect. (*40 CFR § 271.1 et seq.*)

17. The HWCL charges DTSC with the responsibility to adopt standards and regulations for the management of hazardous waste to protect the public health and environment. (*Health and Saf. Code § 25150*). Accordingly, DTSC has promulgated regulations setting forth numerous and extensive health-protective requirements for the day-to-day operation of hazardous waste generators and facilities. (*See Title 22, C.C.R., §§ 66262.1 et seq. and 66265.1 et seq.*)

18. The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program allows the state to certify CUPAs as local agencies authorized to enforce the requirements of the HWCL within the jurisdiction of the CUPA. (*See Health and Saf. Code §§ 25404 and 25404.2*).

19. Any company that wishes to store hazardous waste for more than ninety days must first obtain authorization from DTSC or the CUPA. No owner or operator shall "accept, treat, store, or dispose of a hazardous waste . . . unless the owner or operator holds a hazardous waste facilities [sic] permit or other grant of authorization from the department to use and operate the facility, station, area, or site." (*Health and Saf. Code §§ 25123.3, 25201.*)

20. A company that generates a hazardous waste may store that hazardous waste onsite for up to ninety days without authorization provided that the company complies with the requirements specified in Title 22, C.C.R., section 66262.34.

21. A company that generates a waste shall determine if the waste is a hazardous waste using the methods outlined in Title 22, C.C.R., section 66262.11. If the waste is hazardous, the company must manage it in accordance with the regulations governing generators of hazardous wastes. (*See Title 22, C.C.R. § 66262.11(d)*).

22. A company that generates a hazardous waste shall maintain and operate its facilities to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. (*See Title 22, C.C.R. §§ 66262.34(a)(4) and 66265.31*).

23. A company must not store or transport containers holding hazardous waste in such a manner which may rupture the container or cause it to leak. (*See Title 22, C.C.R. §§ 66262.34(a)(1)(A) and 66265.173*).

DEFINITION OF HAZARDOUS WASTE UNDER THE HWCL

24. Health and Safety Code section 25124(a) defines a "waste" [as] any solid, liquid, semisolid, or contained gaseous discarded material that is not excluded by this chapter or by regulations adopted pursuant to this chapter." "Discarded materials" include any material that is "[r]ecycled or accumulated, stored, or treated before recycling except as provided in Section 25143.2." (*Id. at 25124(b)(2)*).

25. A "hazardous waste" is a waste that meets the criteria of hazardousness established by DTSC. (*Health and Saf. Code § 25117*.) Those criteria includes both lists of hazardous wastes, such as wastes produced by specific processes, and characteristics of hazardous wastes, i.e. any waste that meets the criteria. (*Title 22, C.C.R., §66261.1 et seq.*) A "recyclable material" "is a hazardous waste that is capable of being recycled." (*Id. at 25120.5*).

26. Recyclable materials that are hazardous are not excluded from classification as a waste pursuant to Health and Safety Code section 25143.2 if accumulated speculatively (Health

1 and Saf. Code § 25143.2 (e)(4)). Thus, assuming that they meet the criteria for hazardousness,
2 "materials accumulated speculatively" "are hazardous wastes and subject to full regulation under
3 this chapter, even if the recycling involves use, reuse, or return to the original process." (*Health*
4 *and Saf. Code § 25143.2(e)(4)*).

5 27. Equipment used for the storage of oil-bearing materials at a petroleum refinery is
6 conditionally exempt from the HWCL. (*Health and Saf. Code § 25144 (c)*). One of the
7 conditions for this exemption is that the oil-bearing material would otherwise be excluded from
8 classification as a waste pursuant to Health and Safety Code section 25143.2. (*Health and Saf.*
9 *Code § 25144 (c)(6)*) Also, the exclusion does not apply if the recovered oil or oil-bearing
10 material is speculatively accumulated. (*Health and Saf. Code §§ 25144.(c)(4), 25144.(c)(6), 40*
11 *C.F.R. § 261.4(a)(12)*).

12 28. The HWCL regulations state that with specified exceptions a material is
13 "accumulated speculatively" if it is "is accumulated before being recycled." (*Title 22, C.C.R., §*
14 *66260.10*)

15 ENFORCEMENT AUTHORITY UNDER THE HWCL

16 29. Section 25189(b) of the Health and Safety Code makes any person who
17 intentionally or negligently violates any provision of the HWCL, or any permit, rule, regulation,
18 standard, or requirement issued or promulgated pursuant to the HWCL liable for a civil penalty
19 not to exceed \$25,000 for each violation of a separate provision or, for continuing violations,
20 \$25,000 for each day that a violation continues.

21 30. Section 25189.2(b) of the Health and Safety Code makes any person who non-
22 intentionally or non-negligently violates any provision of the HWCL, or any permit, rule,
23 regulation, standard, or requirement issued or promulgated pursuant to the HWCL liable for a
24 civil penalty not to exceed \$25,000 for each violation of a separate provision or, for continuing
25 violations, \$25,000 for each day that a violation continues.

26 31. Section 25188 of the Health and Safety Code makes any person who does not
27 comply with a schedule for compliance issued pursuant to Health and Safety Code section 25187
28 liable for a civil penalty of not more than twenty-five thousand dollars for each day of

Mr. Neil Norcross

April 18, 2000

Page 4 of 4

use of COC forms, will be used to document sample collection, handling, and transport to the laboratory.

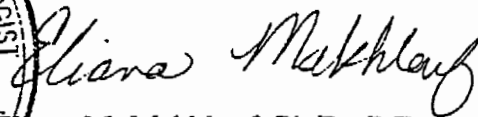
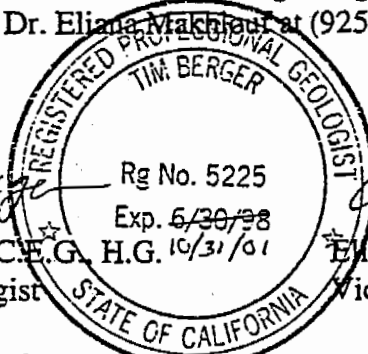
The results of the additional stockpiled soil characterization analysis will be submitted to the RWQCB, and a copy sent to the SFSFD. If the stockpiled soil is found to be non-hazardous and meets the requirements of RWQCB GWDR No. 90-148, and with the consent of the RWQCB, the soil will be treated and used as fill beneath asphaltic concrete pavement in accordance with Versar's June 11, 1999 Soil Stockpile Land Treatment Work Plan.

If you have any questions or concerns regarding this work plan, please call Mr. Tim Berger at (916) 863-9323, or Dr. Eliana Makhoul at (925) 363-1281.

Sincerely,



Tim Berger, R.G., C.E.G., H.G.
Supervising Geologist



Eliana M. Makhoul, Ph.D., P.E.
Vice President, Pacific Regional Manager

cc: Ms. June Christman, CENCO
File

TABLE 1
ANALYTICAL RESULTS FOR STOCKPILED SOILS
CENCO REFINING COMPANY
SANTA FE SPRINGS, CALIFORNIA

Sample Identification No.	Sample Date	Concentrations (mg/kg)							Land Treatment?
		TPH-d	TPH-g	Benzene	Toluene	Ethylbenzene	Total Xylenes	MTBE	
Stockpile 1:									
SS1-1-1.5	5/27/99	238	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	No
SS1-2-1.5	5/27/99	63.3	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS1-3-1.0	5/27/99	131	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP17, SP18, SP19, SP20	2/10/99	469	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS1-4-1.5	5/27/99	71.2	<0.5	<0.005	0.022	<0.005	0.036	<0.025	No
SS1-5-1.5	5/27/99	129	<0.5	0.012	0.008	0.006	0.022	<0.025	
SS1-6-1.0	5/27/99	<5.0	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP21, SP22, SP23, SP24	2/10/99	298	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS1-7-1.0	5/27/99	106	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	No
SS1-8-2.0	5/27/99	71.1	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS1-9-1.5	5/27/99	139	<0.5	<0.005	0.009	<0.005	0.034	<0.025	
Composite SP25, SP26, SP27, SP28	2/10/99	97.5	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS1-10-1.0	5/27/99	86.4	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	No
SS1-11-1.0	5/27/99	85.6	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS1-12-1.0	5/27/99	139	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP29, SP30, SP31, SP32	2/10/99	300	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Stockpile 2:									
SS2-1-1.5	5/27/99	432	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	Yes
SS2-2-1.0	5/27/99	27	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS2-3-1.0	5/27/99	206	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP1, SP2, SP3, SP4	2/10/99	1,800	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS2-4-1.0	5/27/99	70.3	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	Yes
SS2-5-1.5	5/27/99	429	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS2-6-1.0	5/27/99	674	0.9	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP5, SP6, SP7, SP8	2/10/99	3,090	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS2-7-1.5	5/27/99	1,750	0.6	<0.005	<0.005	<0.005	<0.01	<0.025	Yes
SS2-8-0.5	5/27/99	63.1	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	No
SS2-9-0.5	5/27/99	26.7	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP9, SP10, SP11, SP12	2/10/99	225	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS2-10-0.5	5/27/99	4,090	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	Yes
SS2-11-0.5	5/27/99	257	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	No
SS2-12-0.5	5/27/99	213	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP13, SP14, SP15, SP16	2/10/99	968	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Stockpile 3:									
SS3-1-1.0	5/27/99	624	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	Yes
SS3-2-2.0	5/27/99	454	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
Composite SP33, SP34, SP35, SP36	2/10/99	1,880	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS3-3-1.5	5/27/99	590	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	
SS3-4-1.5	5/27/99	955	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	No
Composite SP37, SP38, SP39, SP40	2/10/99	550	<0.5	<0.005	<0.005	<0.005	<0.01	<0.025	

TABLE 2
SUMMARY OF LABORATORY ANALYTICAL RESULTS
SVOCS

SAMPLE ID	Bis-2-ethyl hexyl phthalate (µg/kg)	Benzo (g,h,i) perylene (µg/kg)	Chrysene (µg/kg)	Pyrene (µg/kg)	Benzo(a) anthracene (µg/kg)	Benzo(b+k) fluoranthene (µg/kg)	Benzo(e) pyrene (µg/kg)	Fluoranthene (µg/kg)	Phenanthrene (µg/kg)	Butyl Benzyl phthalate (µg/kg)	2-Methyl naphthalene (µg/kg)
SP1-1.5'	30	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP2-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP3-1.5'	60	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP4-1.5'	ND	40	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP10-1.5'	ND	100	300	500	ND	ND /	200	ND	ND	ND	ND
SP11-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP12-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP13-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP14-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP15-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP16-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP17-1.5'	ND	200	ND	ND	ND	100	ND	ND	ND	ND	800
Background	20	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Duplicate-1 (SP-10)	ND	40	20	ND	ND	ND	ND	ND	ND	ND	ND
Equipment Blank	2 B	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Method Blank	2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Regulatory Guidelines (PRGs)	130,000 ⁽¹⁾	NA ⁽¹⁾	2.9 x 10 ⁴ ⁽¹⁾	5.4 x 10 ⁷ ⁽¹⁾	2,900 ⁽¹⁾	2,900 ⁽¹⁾	290 ⁽¹⁾	3.0 x 10 ⁷ ⁽¹⁾	NA ⁽¹⁾	1 x 10 ⁴ ⁽¹⁾	NA ⁽¹⁾

Notes:

Reference: Table 3 of the Oryx Environmental Services report prepared for the Santa Fe Springs Fire Department in February 2000.

B = This constituent found in the laboratory blank.

(1) = Region 9 Preliminary Remediation Goals, October 1, 1999, US EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Stanford J. Smucker, Ph.D., Regional Toxicologist, Industrial Soil Values.

NA = A PRG is not available for this constituent.

TABLE 3
SUMMARY OF LABORATORY ANALYTICAL RESULTS
PESTICIDES/PCBS

SAMPLE ID	4,4'-DDD (µg/kg)	4,4'-DDT (µg/kg)	4,4'-DDE (µg/kg)	Endrin Ketone (µg/kg)	Dieldrin (µg/kg)	Endrine Aldehyde (µg/kg)	Endosulfan Sulfate (µg/kg)	Alpha Chlordane (µg/kg)	Heptachlor Epoxide/ Heptachlor (µg/kg)	Gamma Chlorane (µg/kg)	Endo- sulfan (µg/kg)	PCBs (µg/kg)
SP1-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	700 (1254)
SP2-1.5'	ND	ND	ND	ND	2	ND	ND	ND	ND	ND	ND	ND
SP3-1.5'	60	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP4-1.5'	ND	ND	ND	ND	ND	2	ND	ND	ND	ND	ND	ND
SP10-1.5'	9.7	ND	ND	ND	ND	ND	10	ND	ND	ND	ND	ND
SP11-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	10 (1254)
SP12-1.5'	ND	ND	ND	ND	ND	1	ND	ND	ND	ND	ND	ND
SP13-1.5'	ND	ND	ND	2	ND	ND	ND	ND	ND	0.5	ND	ND
SP14-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP15-1.5'	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SP16-1.5'	3	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	90 (1254)
SP17-1.5'	2	0.8	ND	ND	ND	ND	ND	ND	ND	ND	ND	330 (1254)
Background	ND	0.9	ND	ND	ND	1	ND	ND	ND	1	ND	ND
Duplicate-1 (SP-10)	ND	ND	ND	ND	ND	ND	ND	ND	0.3	ND	ND	ND
Equipment Blank	ND	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Method Blank	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Regulatory Guidelines (PRGS)	12,000 ⁽¹⁾	12,000 ⁽¹⁾	12,000 ⁽¹⁾	NA ⁽¹⁾	150 ⁽¹⁾	NA ⁽¹⁾	NA ⁽¹⁾	11,000 ⁽¹⁾	NA ⁽¹⁾	11,000 ⁽¹⁾	5.3 x 10 ⁷ ⁽¹⁾	1,000 ⁽¹⁾ (PCB-1254 and PCB-1260)

Notes:

Reference: Table 3 of the Onyx Environmental Services report prepared for the Santa Fe Springs Fire Department in February 2000.

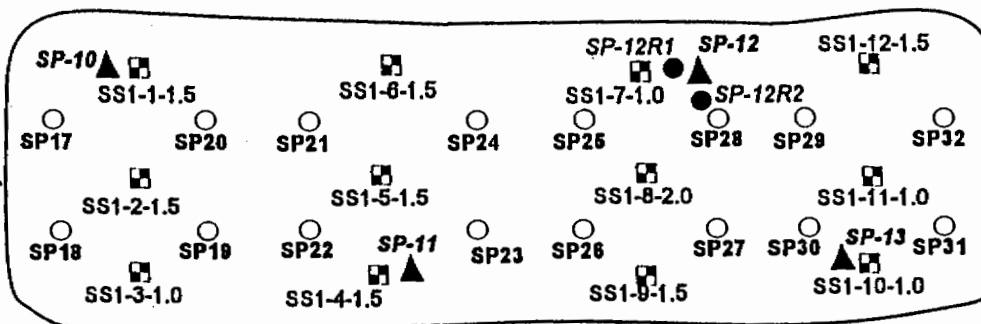
B = This constituent found in the laboratory blank.

(1) = Region 9 Preliminary Remediation Goals, October 1, 1999, US EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Stanford J. Smucker, Ph.D., Regional Toxicologist, Industrial Soil Values.

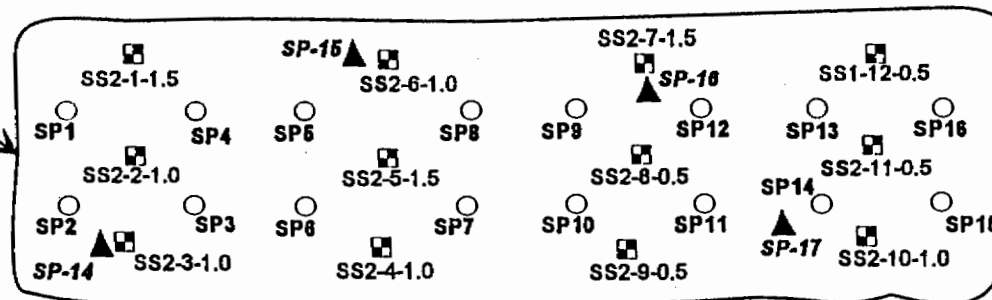
NA = A PRG is not available for this constituent.



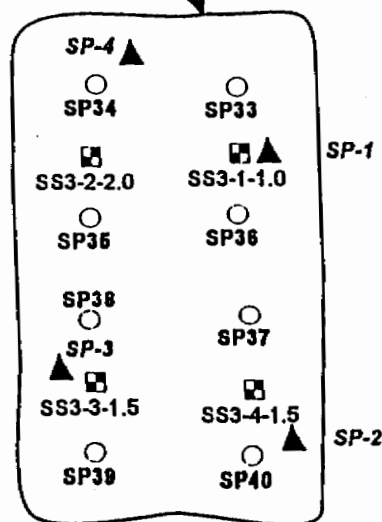
STOCKPILE 1



STOCKPILE 2



STOCKPILE 3



LEGEND

- Versar Stockpiled Soil Sampling Location (May 1999)
- Versar Stockpiled Soil Sampling Location (Feb. 1999)
- SFSFD Stockpiled Soil Sampling Location (Jan. 2000)
- CENCO Stockpiled Soil Sampling Location (Mar. 2000)

Dr. By: Tim Berger
 Date: 4/5/00
 Scale: 1 Inch= 50 feet
 Versar Project No. 3917-007
 Filepath p:\cenco\3917-007

Versar INC.
 7844 Madison Avenue
 Suite 167
 Fair Oaks, CA 95628
 (916) 962-1612

STOCKPILED SOIL SAMPLING LOCATION MAP

Figure
1



STOCKPILE 1

1	2	3	(4)	5	6	7	8	9	10
11	12	13	14	15	16	17	(18)	19	20
(21) ₂	(22)	23	(24)	25	26	27	28	(29)	30

STOCKPILE 2

31	32	33	(34) ₂	(35)	36	37	38	39	40
(41)	42	43	44	45	46	(47)	48	49	50
51	52	(53)	54	55	56	57	(58)	59	60

STOCKPILE 3

61	62	63
64	65	66
67	68	69
70	71	(72)
73	74	75

LEGEND

55

Gridded Cell Location (cells on 25-foot centers)

(34)₂

Sample Location Based on Random Numbers
(subscript denotes number of samples in cell)

Dr. By: Tim Berger
Date: 4/4/00
Scale: 1 inch= 50 feet
Versar Project No. 3917-007
Filepath p:\cencol\3917-007

Versar inc.

7844 Madison Avenue
Suite 167
Fair Oaks, CA 95628
(916) 962-1612

STOCKPILED SOIL PROPOSED RANDOM SAMPLE LOCATIONS

Figure
2

Versar

**METALS ANALYTICAL RE
CENCO RE
SANTA FE SP**

Sample Identification No.	Antimony			Arsenic			Barium			Beryllium			Cadmium			Chromium (total)			Cobalt			Copper	
	TTLC	STLC	TCLP	TTLC	STLC	TCLP	TTLC	STLC	TCLP	TTLC	STLC	TCLP	TTLC	STLC	TCLP	TTLC	STLC	TCLP	TTLC	STLC	TCLP	TTLC	STLC
Regulatory Threshold¹	500	15	15	500	5	5	10,000	100	100	75	0.75	0.75	100	1	1	2500	5	1	8000	80	80	2500	25
SFSFD Samples																							
Collected January 2000)																							
Stockpile 1:																							
SP10-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	19	-
SP11-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	34	-
SP12-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	860	-
SP13-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	51	-
Stockpile 2:																							
SP14-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21.2	-
SP15-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20.6	-
SP16-1.5	-	-	-	-	-	<0.003	-	-	0.51	-	-	-	-	-	0.006	-	-	<0.02	-	-	-	104	-
SP17-1.5	-	-	-	-	-	<0.003	-	-	0.57	-	-	-	-	-	0.004	-	-	<0.02	-	-	-	24.4	-
Stockpile 3:																							
SP1-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	29.4	-
SP2-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	23.9	-
SP3-1.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28.6	-
SP4-1.5	-	-	-	-	-	<0.003	-	-	0.49	-	-	-	-	-	0.002	-	-	<0.02	-	-	-	34	-
CENCO Samples																							
(Collected March 2, 2000)																							
Stockpile 1:																							
-12R1	1.24	-	-	3.22	-	-	5690	-	-	<0.250	-	-	<0.500	-	-	26.1	-	-	9.08	-	-	158	-
-12R2	<0.750	-	-	4.7	-	-	8370	-	-	<0.250	-	-	<0.500	-	-	30.8	-	-	9.69	-	-	80.9	-

Notes

¹ = California Code of Regulations, Title 22, Division 4.5, Chapter 11, Article 3, Section 66261.24.

SFSFD = Santa Fe Springs Fire Department

STLC = Soluble Threshold Limit Concentration

TCLP = Toxicity Characteristic Leaching Procedure

TTLC = Total Threshold Limit Concentration

TABLE 5
LIST OF RANDOM NUMBERS FOR STOCKPILED SOIL SAMPLING
CENCO REFINING COMPANY
SANTA FE SPRINGS, CALIFORNIA

29
35
72
47
34
18
22
53
58
4
24
21
21
34
41

Random numbers generated using MS Excel, uniform distribution function, from a selection of whole numbers between 1 and 75.